

**ETHICS OPINION NUMBER 176
OF THE MISSISSIPPI BAR
RENDERED SEPTEMBER 7, 1990
AMENDED APRIL 6, 2013**

PUBLIC SERVICE: An attorney may participate in a counseling service sponsored by a Chamber of Commerce in which business owners receive free legal counseling on a limited basis.

The Ethics Committee of the Mississippi Bar has been asked to render an opinion on the following facts:

In order to expand its services to the local community, the Business Resource Committee of a local Chamber of Commerce is considering the establishment of a program to provide individual counseling assistance to local businesses.

The program will be conducted through a counseling service similar to counseling services provided by other chambers of commerce across the country.

Although the counseling service is still in the development stage, the service would provide free counseling to current business owners and to potential business owners in the areas of business planning, finance, law, taxation, leasing, etc. The counselors, all volunteers, will include bankers, accountants, lawyers, other business owners and professionals. It is anticipated that business owners will be limited to no more than one free hour with each individual counselor.

The Chamber will maintain a portfolio of information in its office on each counselor. A staff member of the Chamber will be available to assist the business owner in arranging a conference with a counselor chosen by the business owner. All inquiries will remain confidential and there will be no requirement that the business owner disclose the nature of the matter to anyone other than the counselor.

In order to cover the cost of administering the service, it is anticipated that the Chamber will charge a one-time registration fee of between \$10.00 to \$20.00. The business owner will be permitted to meet with as many counselors as are necessary to resolve the matter.

There is no general prohibition against an attorney participating in a counseling service such as the one described above, so long as the payment received by the Chamber is for administrative costs only in order to avoid assisting a non-lawyer with receiving a fee for legal service. *See* Rule 5.4 of the Mississippi Rules of Professional conduct. An attorney should treat persons to whom he gives advice through the service as clients for purposes of determining his ethical responsibilities toward them under the Mississippi Rules of Professional Conduct.